

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

S.A.,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO. 4:22-CV-52-CDL-MSH
	:	28 U.S.C. § 2241
Warden, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent. ¹	:	

ORDER

On March 17, 2022, Respondent filed a Motion to Dismiss Petitioner’s application for habeas relief (ECF Nos. 8, 1). Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. The Court considers the pleadings and the complaint in deciding whether dismissal is appropriate. The parties may submit their argument to this Court by filing briefs in support of or briefs in opposition to said motions. Petitioner should respond to Respondent’ Motion to Dismiss in accordance with this Order.

The law provides that the party against whom dismissal is sought must be given ten (10) days notice of the dismissal rules. In addition, the party upon whom a motion to

¹ Petitioner names “Immigration and Customs Enforcement” as Respondent. However, when a petitioner challenges the validity of physical confinement through a habeas application, “the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Accordingly, the Court has changed the named Respondent to Russell Washburn, the Warden of Stewart Detention Center where Petitioner is currently detained. The Clerk is **DIRECTED** to correct the docket and case caption to reflect this change.

dismiss has been filed has the right to file a brief in opposition to a motion to dismiss. If he fails to file a brief in opposition to the motion to dismiss, a final judgment may be rendered against him if otherwise appropriate under law.

FAILURE OF THE PETITIONER HEREIN TO RESPOND TO AND REBUT THE LEGAL ARGUMENTS SET FORTH IN THE RESPONDENT’S BRIEF MAY RESULT IN SAID STATEMENTS BEING ACCEPTED AS UNCONTESTED AND CORRECT. The Court could grant judgment to Respondent and there would be no hearing or further proceedings regarding this case. Accordingly, the Petitioner is notified of his right to file a response to Respondent’s Motion to Dismiss. Any such response should be filed within thirty (30) days of the date of this Order. Thereafter, the court will consider the Respondent’s Motion to Dismiss and any opposition to same filed by the Petitioner and issue its ruling thereon.

SO ORDERED, this 17th day of March, 2022.

/s/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE